

**BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS
MINUTES**

DATE: MARCH 7, 2005

TIME: 9:00 a.m. C.S.T

LOCATION: Cumberland Room
Ground Floor, Cordell Hull Building
425 fifth Avenue North
Nashville, Tn 37247-1010

MEMBERS PRESENT: Mark Davis, Vice-Chair
Suzanne Meeks, Secretary
Jennifer Johnson, MD
Craig Laman
Palyce Jones
Katy Gammon
Mary Thomas
Kathryn Wilhoit

MEMBERS ABSENT: Harold Walker, Chair

STAFF PRESENT: Karen Robinson, Board Administrator
Marva Swann, Unit Director
Richard Russell, Advisory Attorney
Juanita Presley, Advisory Attorney
Jerry Kosten, Regulations Manager
Lea Phelps, Disciplinary Coordinatory
Elisha Hodge, Litigation Attorney

With a quorum being present, Mr. Davis called the meeting to order at 9:10 a. m.

Conflict of Interest

Mr. Russell reviewed the Conflict of Interest Policy and reminded the Board members of their responsibilities under the policy. He clarified that there was no inherent conflict of interest for Ms Gammon to sit on the Board.

Agreed Orders/Contested Cases

Ms. Hodge presented an agreed order to rescind for ratification for Mr. Moneyhun. A motion was made by Mr. Laman and seconded by Ms. Meeks ratify the agreed order. The motion carried with a unanimous vote.

Ms. Hodge presented an agreed order for Mr. Sidney Pierce. Ms. Hodge explained to the Board that Mr. Pierce failed to submit in writing the change of his address within thirty day of the change to the board administrative office, therefore Mr. Pierce did not receive the certified letters requesting proof of his 2003 continuing education requirements. A civil penalty of \$250.00 and court cost of \$200.00 was assess.

Mr. Bill Barrick represented Mr. Pierce at the meeting only to give an explanation that Mr. Pierce had gone through several personal changes and due to these changes his mail was never forwarded to his new address. A motion was made by Ms. Meeks and seconded by Dr. Johnson to accept the agreed order. The motion carried with Mr. Laman voting no.

Rule-Making Hearing

Mr. Kosten presented to the Board a roll call vote regarding relocating rule language in order to provide clarification and require administrator-in-training with the preceptor to be face-to-face at an approved training facility. After much discussion a motion was made by Ms. Meeks and seconded by Ms. Gammon to approve the rule. The motion carried with a unanimous vote.

Mr. Kosten presented to the Board a rulemaking hearing regarding mandatory criminal background checks on new licensure application materials. After much discussion a motion was made by Mr. Laman and seconded by Ms. Meeks to approve a rulemaking hearing on mandatory criminal background check for new licensure application materials. The motion carried with a unanimous vote.

Minutes

A motion was made by Ms. Meeks and seconded by Ms. Thomas to approve the minutes of the November 2, 2004 board meeting. The motion carried.

Applicant Review/File Review

Robert Kraft—M. Kraft appeared before the Board to give an explanation of allegations from Washington State. A provisional Administrative license was granted at the last Heath Care Facility Board meeting. After discussion, a motion was made by Ms. Gammon to approve licensure and seconded by Ms. Meeks. The motion carried.

Valdeko Kreil—Mr Kreil was requesting reinstatement of licensure and was not present. It had been determined at the 4-30-90 meeting that he would have to appear before the Board before his license could be reinstated. In Mr Kreil's absence, no action was taken on this case.

Wendy Trimboli—Ms Trimboli appeared before the Board to give an explanation as to the length of time between internship and applying for licensure. A motion was made by Ms. Meeks and seconded by Ms. Thomas to approve. The motion carried.

Jeannie Barker—Ms. Barker appeared before the Board to give an explanation of her nursing home administrator experience and discuss the company's organizational chart. Ms. Barker was

requested to submit five (5) additional continuing education hours. A motion was made by Mr. Laman and seconded by Ms. Gammon to approve Ms. Barker for licensure. The motion carried.

Selma Levay— Ms. Levay's is requesting for the Board to decrease her fees and continuing education hours to reinstate her license. Ms. Levay's licenses have been in a failed to renew status as of August 31, 1997. The Board explained that Ms. Levay was not placed on the sunshine notice and therefore the Board could not discuss or take any action on her license at this meeting. The Board requested for Ms. Levay to appear before the Board at the next meeting of March 7, 2005.

Sharon Baker—Ms. Baker is requesting approval to restart her A.I.T. program with a new preceptor and new facility. A motion was made by Mr. Laman and seconded by Mr. Gammon to approve. The motion carried.

New Administrator-In-Training Applicants

A motion was made by Mr. Laman and seconded by Ms. Gammon to approve the following A.I.T's. The motion carried.

Macy Bryant
Douglas Clanton

Linda Hill
James Spears

Administrator-In-Training Applicant Not Approved

Julie Roberts

A motion was made by Ms. Meeks and seconded by Mr. Laman to defer Ms. Julie Roberts application until the next Board meeting. The Board requested for Ms. Roberts to appear before the next Board meeting to give explanation of acceptable management experience. The motion carried.

NAB Exam Approval

Richard McCormick

Mr. McCormick is requesting approval to sit for the NAB exam. A motion was made by Ms. Meeks and seconded by Mr. Laman to approve Mr. McCormick for licensure. The motion carried.

Preceptor Application Approval

A motion was made by Mr. Laman and seconded by Ms. Thomas to approve the following preceptor applications. The motion carried.

Esmerelda Lee
Joe Lewis

A. Annette Marla-was approved pending completion of the preceptor's course in April 2005

Office of General Counsel Report

Mr. Sykes presented the OGC report in which he gave the status of the following rules:

- 1020-1-.15-*Disciplinary authority: order modification, order of compliance, assessment of costs.* Rule-making hearing was held on December 23, 2003. Received final approval from the Board on June 1, 2004, and sent to Attorney General's office on July 30, 2004 for review and final approval.
- 1020-1-.01, .06, .13- *Definitions; Preceptors, AITs and AIT Programs; Licensure Retirement and Reactivation.* Before the Board for initial authorization for rule-making hearing, to be held on January 20, 2005.

Mr. Sykes also presented for the Board's information a form that is to be promulgated by Health Care Facilities for advanced care directives. The form gives specific physician's orders based on the person's medical condition and wishes in regard to cardiopulmonary resuscitation, medical interventions, and etc.

Administrative Reports

Ms. Swann presented the statistical report which indicated the following:

Active Licensees – 752
Retired Licensees –759
Failed to Renew – 638

<i>Performance Measure</i>	<i>Goal</i>	<i>July – Dec 2003</i>	<i>Jan – June 2004</i>	<i>Average</i>
Renewal Processing Time	14 days	0.1 days	0.1 days	0.1
Application Processing Time	100 days	236 days	350 days	

The application processing time is directly relative to the length of the A.I.T. program and the success or lack thereof of the applicant and the examination process.

Projects In Progress

The 2002 continuing education audit shows ninety one (91) licensees were audited. 3.3% paid the civil penalty and submitted their continuing education certificates to the Administrative Office. 7.7% were sent to Investigations. 3.3% of the 7.7% that was sent to Investigations were closed. 89% met the c.e. requirements.

Discipline And Investigative Reports

Mr. Sykes presented the discipline report which indicated that there were 21 open cases as of September 30, 2004. New statistics will not be available until the final compilation for the year in December.

Disciplinary Guidelines

Ms. Bell explained the disciplinary guidelines chart. She stipulated that they are a guide only and are independent of a survey. She further stated that it is understood that the guidelines are to be used for the discipline of administration only. A motion was made by Dr. Johnson and seconded by Ms. Meeks to adopt the guidelines as presented. The motion carried.

Ratifications

New Licensee

Joshua Cannon	James Freeman, Jr.
Charles Gregory	Sara Hensley
Brad Hinton	Gary Hixon
David Minton	James Morrison
Ronald Nield	Catherine Ortega
Berrie Pate	John Wade
P. Elayne Wheeler-Poston	E. Berton Whitaker

Reinstatements

Keith Boyce
Janie McBride
Carla Trotter

Adjournment

There being no further business, the meeting was adjourned at 12:30 p.m..

KR/G4015147/NHAdmin